

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSHUA SHUMAN**, a minor by and :  
through his mother and natural guardian :  
**TERESA SHERTZER, and TERESA** :  
**SHERTZER**, individually : **CIVIL ACTION NO. 02-CV-3594**

**Plaintiffs**

**v.**

**(GARDNER)**

**PENN MANOR SCHOOL DISTRICT,** :  
**PENN MANOR SCHOOL BOARD,** :  
**GARY B. CAMPBELL**, individually and as :  
Superintendent of the Penn Manor :  
School District, :  
**AND** :  
**DONALD STEWART**, individually and as :  
Acting Superintendent of the Penn Manor :  
School District :  
**AND** :  
**JANICE M. MINDISH**, individually and as :  
Principal of Penn Manor High School, :  
**AND** :  
**BRIAN D. BADDICK**, individually and as :  
Assistant Principal of Penn Manor High :  
School, :  
**AND** :  
**PHILIP B. GALE**, individually and as Dean :  
of Students of Penn Manor High School, :  
**AND** :  
**CAROLE FAY**, individually and as a teacher :  
and Agriculture Coordinator at Penn Manor :  
High School :

**Defendants**

**DEFENDANTS, PENN MANOR SCHOOL DISTRICT, PENN MANOR SCHOOL  
BOARD, GARY B. CAMPBELL, DONALD STEWART, JANICE M. MINDISH,  
BRIAN D. BADDICK, PHILIP GALE, AND CAROLE FAY’S  
MOTION FOR SUMMARY JUDGMENT**

The Defendants, Penn Manor School District (hereinafter referred to as the “District”), Penn Manor School Board (hereinafter referred to as the “Board”), Gary B. Campbell, former Superintendent of the Penn Manor School District, Donald Stewart,

Superintendent of the Penn Manor School District, Janice M. Mindish, Principal of Penn Manor High School, Brian D. Baddick, Assistant Principal of Penn Manor High School, Philip Gale, Assistant Principal of Penn Manor High School, and Carole Fay, a teacher and Agriculture Coordinator at Penn Manor High School,<sup>1</sup> move for summary judgment on all remaining claims contained in Plaintiffs' Complaint pursuant to Rule 56 of the Federal Rules of Civil Procedure. In support of this Motion, the Defendants rely upon their Brief attached hereto, incorporated herein.

**WHEREFORE**, the Defendants respectfully request judgment in their favor and against Plaintiffs on all claims.

Respectfully submitted:

**SWEET, STEVENS, TUCKER & KATZ LLP**

Date: December 15, 2003

By: /s/ Jason R. Wiley

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Attorneys for Defendants  
Penn Manor School District, Penn Manor  
School Board, Gary B. Campbell, Donald  
Stewart, Janice M. Mindish, Brian D.  
Baddick, Philip Gale, and Carole Fay.

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<sup>1</sup> C. Willis Herr, Richard L. Frerichs, Jeffrey E. Lyon, Patrick T. Kline, Donald H. Anderson, H. Thomas Herr, Kelly K. Withum, Donna Wert, Jeffrey G. Kreider, Dolores Warfel, and Steve Skrocki, were each individually named defendants in Plaintiffs' Complaint. By Stipulation of the parties dated November 3, 2003 and Court Order dated November 6, 2003, each of these Defendants were voluntarily dismissed from this case.